

RECEIVED  
CENTRAL FAX CENTER

JAN 12 2006

## SMITH, GAMBRELL &amp; RUSSELL, LLP

## WASHINGTON, D.C. OFFICE

SUITE 800  
1850 M STREET, N.W.  
WASHINGTON, D.C. 20036  
TELEPHONE  
(202) 293-4300  
FACSIMILE  
(202) 293-4329

ATTORNEYS AT LAW  
SUITE 3100, PROMENADE II  
1220 PEACHTREE STREET, N.E.

ATLANTA, GEORGIA 30309-3592

TELEPHONE (404) 815-3500  
FACSIMILE (404) 815-3509  
WEBSITE WWW.SGRLLP.COM

ESTABLISHED 1893

## FLORIDA OFFICE

SUITE 2000, BANK OF AMERICA TOWER  
50 NORTH LAURA STREET  
JACKSONVILLE, FL 32202  
TELEPHONE  
(904) 598-6100  
FACSIMILE  
(904) 598-6300

TELECOPY COVER SHEET

DATE: January 12, 2006

Send To:	At (Firm/Company):	Telecopy:	Phone:
	U.S. Patent & Trademark Office	571 273 8300	

From:	Telecopy:	Phone:	Client/Matter:	Number of Pages:
Monica Dalton, Patent Paralegal	404 685 6885	404 815 3585	043850	016

OPERATOR: \_\_\_\_\_ TIME COMPLETED: \_\_\_\_\_  
PLEASE CALL (404) 815-3500 IF YOU HAVE ANY PROBLEMS

## MESSAGE:

App. No. 10/673,074  
Filing Date: September 26, 2003  
Inventor: Heath, Randall  
Art Unit: 3673  
Examiner: Safavi, Michael

## CONFIDENTIALITY NOTE:

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the address above via the United States Postal Service. Thank you.

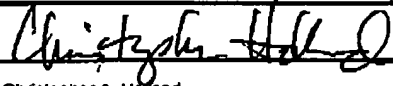
PTO/SB/21 (09-04)

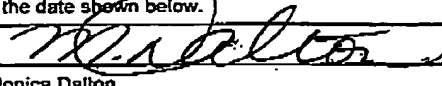
Approved for use through 07/31/2006. OMB 0851-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/673,074	
	Filing Date	September 26, 2003	
	First Named Inventor	HEATH, Randall	
	Art Unit	3673	
	Examiner Name	SAFAVI, Michael	
Total Number of Pages in This Submission	8	Attorney Docket Number	043850.016

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Office Action Reissue App. Assignee Dec. Reissue App. Inventor Dec. Supp. Dec. for Reissue App. To Correct "Errors" Statement
<div style="border: 1px solid black; padding: 2px;">Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Smith, Gambrell & Russell, LLP		
Signature			
Printed Name	Christopher A. Holland		
Date	January 12, 2006	Reg. No.	46,318

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Monica Dalton	Date	January 12, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

RECEIVED  
CENTRAL FAX CENTER

JAN 12 2006

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue 10/673,074  
App.No. :  
Applicant(s) : HEATH, Randall  
Filed : 09/26/2003  
TC/A.U. : 2926  
Examiner : SAFAVI, Michael  
Title : Modular Decking Planks  
Docket No. : 043850.016  
Customer No. : 25461

Confirmation No.: 2926

Mail Stop Reissue  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

RESPONSE TO OFFICE ACTION

In response to the Office Action dated July 12, 2005, and further to Applicant's timely initial response dated October 11, 2005, Applicant respectfully wishes to enter the attached Reissue Application Declaration by the Inventor, Reissue Application Declaration by the Assignee, and the Supplemental Declaration for Reissue Patent Application. Applicant submits that these documents, further to the Declarations filed on October 11, 2005, address the defects in the earlier Declarations identified by the Examiner. Namely, the present declarations identify the city and state of residence of the inventor, include a statement that all errors that are being corrected in the reissue application up to the time of filing of the oar/declaration arose without any deceptive intention on the part of the application, including the changes presented in the preliminary amendment of May 5, 2005, and includes a corrected statement specifically identifying the error relied upon to support the reissue application.

In view of the present response supplementing the Applicant's response of October 11, 2005, Applicant submits that this application is in condition for allowance.

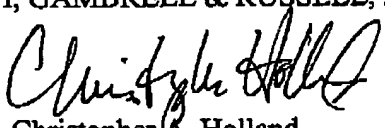
LIT935110.1

**PATENT**

Please charge any additional fee(s) or underpayments of fees to Deposit Account Number 02-4300 under the Deposit Account Name Smith, Gambrell & Russell.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP

By:   
Christopher A. Holland  
Reg. No. 46,316

Dated: January 12, 2006  
1230 Peachtree Street, N.E.  
Suite 3100, Promenade II  
Atlanta, Georgia 30309-3592  
Tel: (404) 815-3770  
Fax: (404) 685-7070

LIT935110.1